

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Claude E. Lydia, Jr.,)	C/A No.: 1:15-3512-MBS-SVH
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Thomas E. Byrne; and Elizabeth)	
Holcombe,)	
)	
Defendants.)	
)	

Plaintiff, proceeding pro se and in forma pauperis, brought this action alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. Defendants filed a motion for summary judgment on January 4, 2016. [ECF No. 20]. As Plaintiff is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of the motion and of the need for him to file an adequate response. [ECF No. 24].¹ Plaintiff was specifically advised that if he failed to respond adequately, Defendant's motion may be granted. *Id.* On February 1, 2016, the undersigned extended Plaintiff's deadline, granting him until March 25, 2016, to respond to Defendants' motion. [ECF No. 28].

Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Plaintiff failed to properly respond to the motion. As such, it appears to

¹ Due to an error in the Clerk of Court's office, on January 5, 2016, a *Roseboro* order was mailed to Plaintiff at an incorrect address and was returned as undeliverable on January 19, 2016. [ECF Nos. 21, 23]. The court issued another *Roseboro* order on January 21, 2016, and extended Plaintiff's deadline for a response accordingly.

the court that he does not oppose the motion and wishes to abandon this action. Based on the foregoing, Plaintiff is directed to advise the court whether he wishes to continue with this case and to file a response to Defendants' motion for summary judgment by April 12, 2016. Plaintiff is further advised that if he fails to respond, this action will be recommended for dismissal with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.



March 29, 2016
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge